

# **Exhibit 12**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re FACEBOOK BIOMETRIC  
INFORMATION PRIVACY LITIGATION

) Master File No. 3:15-cv-03747-JD

) CLASS ACTION

This Document Relates To:

ALL ACTIONS.

) PLAINTIFFS' SUPPLEMENTAL INITIAL  
) DISCLOSURES PURSUANT TO FEDERAL  
) RULE OF CIVIL PROCEDURE 26(a)(1)(A)  
) AND 26(e)(1)

**I. Introduction**

Pursuant to Rule 26(a)(1)(A) and 26(e)(1) of the Federal Rules of Civil Procedure, plaintiffs and Class representatives Adam Pezen, Nimesh Patel and Carlo Licata make the following supplemental initial disclosures based on reasonably available information. These supplemental initial disclosures are made without waiver of, or prejudice to, any current or future objections plaintiffs may have. Plaintiffs expressly reserve all objections, including, but not limited to: (i) relevance; (ii) attorney-client privilege; (iii) work product protection; (iv) privacy; (v) any other applicable privilege or protection under federal or state law; (vi) undue burden; (vii) materiality; (viii) overbreadth; and (ix) the admissibility in evidence of these supplemental initial disclosures or the subject matter thereof. Plaintiffs reserve the right to supplement or amend these disclosures as needed.

**II. Individuals Likely to Have Discoverable Information**

In addition to the individuals previously disclosed in plaintiffs' January 11, 2016 initial disclosures, the following individuals are likely to have discoverable information:

Name	Contact Information	Subjects of Discoverable Information
Dan Barak	c/o John Nadolenco MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 213/229-9500	Development and operation of Facebook's facial recognition technology. Facebook's licensing of face.com technology and acquisition of face.com. Use of facial recognition technology to power Tag Suggestions. General collection and processing of data from photos uploaded to Facebook.

Name	Contact Information	Subjects of Discoverable Information
Alvaro Bedoya	GEORGETOWN UNIVERSITY LAW CENTER 600 New Jersey Avenue N.W. Washington, DC 20001 202/662-9779	The 2012 investigation and hearing by U.S. Senate Judiciary Subcommittee on Privacy Technology and the Law: "What Facial Recognition Technology Means for Privacy and Civil Liberties." Correspondence with Facebook regarding the Subcommittee's investigation and hearing. The purpose of and reason for the Subcommittee's investigation and hearing.
Shannon Chance	c/o John Nadolenco MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 213/229-9500	Information regarding the plaintiffs' accounts, including when they signed up for Facebook, the timing and extent of plaintiffs' use of Facebook, and when plaintiffs agreed to Facebook's terms of service, also known as the Facebook Statement of Rights and Responsibilities.
Joachim De Lombaert	c/o John Nadolenco MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 213/229-9500	Information regarding how users signed up or registered for Facebook at the time each of the plaintiffs signed up or registered for Facebook, including the process they followed and the website's layout. Information regarding how users agreed to Facebook's terms of service, also known as the Facebook Statement of Rights and Responsibilities, at the time each of the plaintiffs signed up or registered for Facebook.
Jeffrey S. Dunn	c/o Shawn A. Williams ROBBINS GELLER RUDMAN & DOWD LLP Post Montgomery Center One Montgomery Street, Suite 1800 San Francisco, CA 94104 415/288-4545	Technological functioning of Facebook's facial recognition technology.

Name	Contact Information	Subjects of Discoverable Information
Dr. Atif Hashmi	c/o Shawn A. Williams ROBBINS GELLER RUDMAN & DOWD LLP Post Montgomery Center One Montgomery Street, Suite 1800 San Francisco, CA 94104 415/288-4545	Technological functioning of Facebook's facial recognition technology.
Sam Odio	137 Las Lomas Drive Aptos, CA 95003 650/485-0071	Development and operation of Facebook's facial recognition technology and use of facial recognition technology to power Tag Suggestions. Facebook's rollout of Tag Suggestions and other features employing facial recognition technology. Facebook's licensing of face.com technology and acquisition of face.com. General collection and processing of data from photos uploaded to Facebook.
Mark Pike	c/o John Nadolenco MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 213/229-9500	Information regarding the terms of service in place at the time each of the plaintiffs registered for Facebook and at the present time, and changes or updates to Facebook's terms of service, also known as the Facebook Statement of Rights and Responsibilities.
Barry Schnitt	191 Crest Road Woodside, CA 94062 650/740-5293	Development and operation of Facebook's facial recognition technology and use of facial recognition technology to power Tag Suggestions. Facebook's rollout of Tag Suggestions and other features employing facial recognition technology. Facebook privacy policies regarding Tag Suggestions and facial recognition technology.

Name	Contact Information	Subjects of Discoverable Information
Robert Sherman	c/o John Nadolenco MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 213/229-9500	Facebook privacy policies regarding Tag Suggestions and facial recognition technology. Facebook's interactions with European regulators and the U.S. Senate regarding privacy, Tag Suggestions and facial recognition.
Yaniv Taigman	c/o John Nadolenco MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 213/229-9500	Development and operation of Facebook's facial recognition technology. Facebook's licensing of face.com technology and acquisition of face.com. Use of facial recognition technology to power Tag Suggestions. General collection and processing of data from photos uploaded to Facebook.
Omry Yadan	c/o John Nadolenco MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 213/229-9500	Development and operation of Facebook's facial recognition technology. Facebook's licensing of face.com technology and acquisition of face.com. Use of facial recognition technology to power Tag Suggestions. General collection and processing of data from photos uploaded to Facebook.
Mark Zuckerberg	c/o John Nadolenco MAYER BROWN LLP 350 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 213/229-9500	Facebook's facial recognition technology and its application to photos on Facebook. Facebook's compliance with U.S. and European privacy laws.

### III. Documents and Tangible Things in Plaintiffs' Possession

Plaintiffs have within their possession, custody and control, including through counsel, the following documents and tangible things that may support their claims or defenses, including, but not limited to:

1. Documents referenced in the complaint;
2. Plaintiff Patel's "Facial Recognition Data" downloaded from Facebook; and

3. Documents and testimony obtained in discovery in this action.

**IV. Computation of Damages**

Individually and on behalf of the Class, plaintiffs seek statutory damages of up to \$5,000 per violation under the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 *et seq.*, as well as reasonable attorneys' fees and costs, and injunctive relief necessary to ensure that defendant's unlawful conduct does not continue.

**V. Insurance Agreements**

Plaintiffs do not have any insurance policies related to this action.

DATED: May 15, 2018

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\* = appearance *pro hac vice*



**DECLARATION OF SERVICE BY U.S. MAIL & E-MAIL**

I, Sarah A. Morris, not a party to the within action, hereby declare that on May 15, 2018, I served the attached PLAINTIFFS' SUPPLEMENTAL INITIAL DISCLOSURES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)(A) AND 26(e)(1) on the parties to the within action by e-mail and by depositing a true copy in a sealed envelope with postage thereon fully prepaid in a United States mailbox at San Francisco, California, to the parties addressed as follows:

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3 I declare under penalty of perjury that the foregoing is true and correct. Executed on May 15,  
4 2018, at San Francisco, California.

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SARAH A. MORRIS